

**UNITED STATES DISTRICT COURT  
FOR  
THE DISTRICT OF MASSACHUSETTS**

**CIVIL ACTION NO.**

**ADAM J. VISNICK  
and  
HOWARD VISNICK  
Plaintiffs**

**04 - 10815 MLW**

**vs.**

**SANCTUARY 4298 INVESTMENTS LLC  
Defendant**

**MOTION FOR SHORT ORDER OF NOTICE  
RE: HEARING ON PRELIMINARY INJUNCTION**

Now comes the plaintiff Adam J. Visnick and respectfully moves this Honorable Court pursuant to Fed.R.Civ.P. Rule 65 to issue a short order of notice concerning a proposed preliminary injunction. (A proposed form of ORDER is attached hereto.)

The plaintiff Adam Visnick assigns as reasons therefore the following:

1.) Adam Visnick is the owner of a home at 15A Plum Street in Gloucester, Massachusetts.

This is his principal residence. (Visnick Affidavit, par. 1)

2.) The defendant Sanctuary 4298 Investments LLC is a lender who holds a first mortgage on the property. (Visnick Affidavit, pars. 8-9) The lender has declared a default under the Mortgage Note of Adam Visnick dated January 20, 2003. (Visnick Affidavit, pars. 13-14)

3.) The lender violated the Truth in Lending Act, 15 U.S.C. §1640 and Regulation Z promulgated thereunder by failing to give notice to Adam Visnick of this right to rescind at the closing. (Visnick Affidavit, pars.9, 16; Complaint, pars. 10, 12)

4.) When Adam Visnick learned of his right to rescind, he gave notice of his intention to rescind. (Visnick Affidavit, pars.16-17)

5.) The defendant Sanctuary again violated the Truth in Lending Act, refused to rescind, and scheduled a foreclosure sale of the Visnick home for May 19, 2004. (Visnick Affidavit, pars. 18-21; Complaint, pars. 16-20, 22-25)

6.) If the foreclosure sale proceeds, it will cause immediate and irreparable harm.

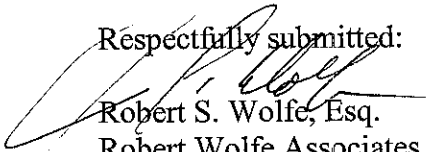
7.) The plaintiff Adam Visnick prayed for the issuance of a preliminary injunction in his Complaint. (Complaint, pages 6-7)

**WHEREFORE**, Adam Visnick prays:

1.) That this Honorable Court grant a short order of notice setting down a time and date before May 19, 2004 upon which plaintiff's request for a preliminary injunction may be heard.

2.) That this Honorable Court grant any such further relief which may be just and equitable.

Respectfully submitted:



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**SHORT ORDER OF NOTICE**

After review of the papers and consideration of the Motion for Short Order of Notice, it is hereby **ORDERED**:

- 1.) A hearing shall be scheduled upon the application of Adam J. Visnick for a preliminary injunction to be held on \_\_\_\_\_ at \_\_\_\_\_.
- 2.) The plaintiffs shall make service upon the defendant Sanctuary 4298 Investments, LLC of the Complaint, Summons and Short Order of Notice at the earliest possible date.

\_\_\_\_\_  
Dated: April \_\_\_\_\_, 2004